

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Petitioner,)	
)	Case No. CV-_____
)	
vs.)	FIRST SCHEDULING ORDER
)	IN A POST-EXHAUSTION BUT
)	NON-SUCCESSIVE DEATH
)	PENALTY ACTION PURSUANT
Respondents.)	TO 28 U.S.C. § 2254

The Clerk of the Court shall issue this Scheduling Order pursuant to Fed. R. Civ. P. 16(b) [notwithstanding the exemption in Local Rule 26-9 of this court] and serve a copy on counsel for all parties, when counsel has either been retained and filed a notice of appearance or has been appointed pursuant to 21 U.S.C. § 348(q)(4)(b) in a non-successive petition for writ of habeas corpus wherein the death penalty is being collaterally attacked, and wherein there has been a prior federal petition for writ of habeas corpus attacking the validity of this same conviction and sentence but which was not decided on the merits. The Local Rules shall apply to the extent that they are not in conflict with provisions herein.

IT IS HEREBY **ORDERED** a Status Conference is hereby ordered scheduled for (approximately 15 days from the date of this order). Counsel for both Petitioner and Respondents shall be prepared to advise the Court whether there is any reason why this action cannot proceed to the filing of an Answer addressing the merits of the grounds asserted in the petition.

Dated this ____ day of _____, 200_.

UNITED STATES DISTRICT JUDGE